

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 15514 of 2006

Date of Decision 26.09.2006

Balbir Singh and others. Petitioners

Versus

State of Punjab and others. ... Respondents

CORAM : Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand

Present : Mr. Ramesh Sharma, Advocate,
for the petitioners.

J.S. Khehar, J. (Oral)

The respondents issued an advertisement on 5.5.2001, inviting applications for appointment to the posts of Assistant District Attorneys in the Prosecution and Litigation Department of the State Government. The petitioners submitted their applications in response to the aforesaid advertisement, and appeared in the written test as well as interview, conducted in furtherance thereof. On 16.12.2001, the result of the selection process was declared, and the petitioners found their names in the merit list i.e. within the zone of selection. Appointment orders were allegedly not issued on the account of the fact that Cabinet Sub Committee in its decision dated 24.4.2002, had decided to ban further recruitment.

The grievance of the petitioners is, that the respondents have now issued fresh advertisement, inviting applications for appointment to the posts of Assistant District Attorneys, by giving a go by to the selection process conducted in the year 2001, wherein, the petitioners were declared

suitable for appointment to the posts of Assistant District Attorneys.

In our view, the challenge raised by the petitioners against the advertisement, now issued by the respondents, inviting applications to fill up the vacancies in the cadre of Assistant District Attorneys, cannot be annulled so as to give preference to the petitioners, and others, who were selected in the process of selection, conducted in the year 2001. The mandate of Articles 14 and 16 of the Constitution of India envisages, an equal opportunity to all citizens, on the issue of appointments, to posts in Government service. Since a large number of persons would have acquired eligibility from the time since the posts were advertised in 2001, till the advertisement which has now been issued in 2006, it would be imperative, and within the framework of the Constitution of India, for the respondents to conduct a fresh selection process by inviting all those who are eligible for appointment, to the posts under reference.

In view of the above, we are satisfied that the action of the respondents in issuing fresh advertisement, inviting applications to fill up the vacancies in the cadre of Assistant District Attorneys, cannot be found fault with.

For the reasons recorded above, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

September 26, 2006
vkd

(S.D. Anand)
Judge